



Print Face Sheet

Print Current Case Summary

Return

Incident History

Investigation

Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
05A EXCESSIVE FORCE / ON DUTY - INJURY -	-	-	-	-	-	-	-

row(s) 1 - 1 of 1

Log No: 1033791 Type:CR

Accused Members

Review	Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View	Unknown	CLOSED/FINAL	NOT SUSTAINED	-	-	-	11-FEB-2010	N/A
View	JOHNSON, DWAYNE	CLOSED/FINAL	SUSTAINED	SUSPENSION	2	02-JUN-2016 to 03-JUN-2016 EXCUSED WITHOUT PAY - 2 day(s)	12-JUN-2012	View
View	MC DONOUGH, PATRICK	CLOSED/FINAL	NOT SUSTAINED	-	-	-	26-NOV-2012	N/A
View	O MALLEY, GERALD	CLOSED/FINAL	NOT SUSTAINED	-	-	-	26-NOV-2012	N/A
View	BOCHNAK, FRANCIS	CLOSED/FINAL	NOT SUSTAINED	-	-	-	26-DEC-2012	N/A

row(s) 1 - 5 of 5

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View	1	FACE SHEET	N/A	-	-	SMITH-TOLLIVER, STACEY	FEB-11-2010 09:45	-	-	-
View	2	CONFLICT CERTIFICATION	N/A	-	-	WASHINGTON, DONNA	FEB-18-2010 10:04	-	-	-
View	3	CONFLICT CERTIFICATION	N/A	-	-	WILLIAMS, TIFFANY	SEP-08-2011 11:23	-	-	-
View	4	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record Victim, [REDACTED]	WASHINGTON, DONNA	FEB-18-2010 10:51	APPROVED	-	YES
View	5	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Victim, [REDACTED]	WASHINGTON, DONNA	FEB-18-2010 10:52	APPROVED	-	YES
View	6	PHOTO IDENTIFICATION	N/A	1	Victim, [REDACTED]	WASHINGTON, DONNA	FEB-18-2010 10:56	APPROVED	-	YES
View	7	REPORT (OTHER)	N/A	2	Outline, [REDACTED]	WASHINGTON, DONNA	FEB-18-2010 10:57	APPROVED	-	YES
View	8	REPORT (OTHER)	N/A	1	To/From-Inv. Richmond	WASHINGTON, DONNA	FEB-18-2010 10:58	APPROVED	-	YES
View	9	REPORT (OTHER)	N/A	1	Copy Stub-Bank Check	WASHINGTON, DONNA	FEB-18-2010 10:59	APPROVED	-	YES
View	10	REPORT (OTHER)	N/A	1	Receipts	WASHINGTON, DONNA	FEB-18-2010 11:01	APPROVED	-	YES
View	11	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	Consent to Record, Victim	WASHINGTON, DONNA	FEB-18-2010	APPROVED	-	YES

View	12	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Victim, [REDACTED]	YES	WASHINGTON, DONNA	FEB-18-2010 11:02	APPROVED -	YES
View	13	PHOTO IDENTIFICATION	N/A	1	victim [REDACTED]	YES	WASHINGTON, DONNA	FEB-18-2010 11:06	APPROVED -	YES
View	14	REPORT (OTHER)	N/A	2	Outline Victim, [REDACTED]	YES	WASHINGTON, DONNA	FEB-18-2010 11:12	APPROVED -	YES
View	15	REPORT (OTHER)	N/A	1	Search Warrant Package Request	YES	WASHINGTON, DONNA	FEB-18-2010 11:13	APPROVED -	YES
View	16	P.C.A.D. (PCAD) REPORTS	N/A	2	-	YES	WASHINGTON, DONNA	FEB-18-2010 11:14	APPROVED -	YES
View	17	AUDIO RECORDING	N/A	1	[REDACTED]	YES	WILLIAMS, TIFFANY	SEP-08-2011 11:57	APPROVED -	YES
View	18	AUDIO RECORDING	N/A	1	[REDACTED]	YES	WILLIAMS, TIFFANY	SEP-08-2011 12:01	APPROVED -	YES
View	19	AUDIO RECORDING	N/A	1	[REDACTED]	YES	WILLIAMS, TIFFANY	SEP-08-2011 12:02	APPROVED -	YES
View	20	PHOTOGRAPH	N/A	27	HOME AFTER SEARCH WARRANT	-	HOWARD, MIA	JAN-25-2012 15:06	APPROVED -	YES
View	21	SEARCH WARRANT	N/A	3	WARRANT# 10SW5437	-	HOWARD, MIA	JAN-31-2012 10:12	APPROVED -	YES
View	22	SEARCH WARRANT	N/A	3	SEARCH WARRANT DATA	-	HOWARD, MIA	JAN-25-2012 15:07	APPROVED -	YES
View	23	VICE CASE REPORTS	N/A	1	RD# HS-158118	-	HOWARD, MIA	JAN-25-2012 15:08	APPROVED -	YES
View	24	VICE CASE SUPPLEMENTARY CASE REPORT	N/A	2	-	-	HOWARD, MIA	JAN-25-2012 15:09	APPROVED -	YES
View	25	INVENTORY SHEET	N/A	2	INV# 11924534	-	HOWARD, MIA	JAN-25-2012 15:10	APPROVED -	YES
View	26	REPORT (OTHER)	N/A	2	outline of [REDACTED]	YES	HOWARD, MIA	JAN-25-2012 15:10	APPROVED -	YES
View	27	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	-	HOWARD, MIA	JAN-25-2012 15:11	APPROVED -	YES
View	28	SWORN AFFIDAVIT - NO COOPERATION	N/A	1	[REDACTED]	-	HOWARD, MIA	JAN-25-2012 15:11	APPROVED -	YES
View	29	PHOTO IDENTIFICATION	N/A	1	[REDACTED] D.L.	-	HOWARD, MIA	JAN-25-2012 15:12	APPROVED -	YES
View	30	INTERVIEW-REPORTING PARTY	N/A	10	[REDACTED]	YES	HOWARD, MIA	JAN-25-2012 15:13	APPROVED -	YES
View	31	INTERVIEW - VICTIM	N/A	15	STATEMENT OF (V) [REDACTED]	YES	HOWARD, MIA	JAN-25-2012 15:18	APPROVED -	YES
View	32	INTERVIEW - VICTIM	N/A	25	(V) [REDACTED]	YES	HOWARD, MIA	JAN-25-2012 15:19	APPROVED -	YES
View	33	OEMC EVENT QUERY	N/A	1	# 1004010437	YES	WILLIAMS, TIFFANY	JUN-12-2012 11:53	APPROVED -	YES
View	34	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	WITNESS DEPT. MEMBERS	-	HOWARD, MIA	FEB-28-2012 10:06	APPROVED -	YES
View	35	WITNESS REPORT	N/A	1	PO BOCHNAK #19020	-	HOWARD, MIA	FEB-28-2012 10:07	APPROVED -	YES

View	36	WITNESS REPORT	N/A	1	PO McDONOUGH #14416	-	HOWARD, MIA	FEB-28- 2012 10:07	APPROVED -	YES
View	37	WITNESS REPORT	N/A	1	PO O'MALLEY #17187	-	HOWARD, MIA	FEB-28- 2012 10:08	APPROVED -	YES
View	38	WITNESS REPORT	N/A	1	PO KILLEEN #19411	-	HOWARD, MIA	FEB-28- 2012 10:09	APPROVED -	YES
View	39	WITNESS REPORT	N/A	1	PO FREEMAN #11568	-	HOWARD, MIA	FEB-28- 2012 10:10	APPROVED -	YES
View	40	WITNESS REPORT	N/A	1	PO LACZ #15609	-	HOWARD, MIA	FEB-28- 2012 10:10	APPROVED -	YES
View	41	WITNESS REPORT	N/A	1	PO CARTER #17180	-	HOWARD, MIA	FEB-28- 2012 10:11	APPROVED -	YES
View	42	WITNESS REPORT	N/A	1	PO BADY #11453	-	HOWARD, MIA	FEB-28- 2012 10:11	APPROVED -	YES
View	43	WITNESS REPORT	N/A	1	PO MASON #13266	-	HOWARD, MIA	FEB-28- 2012 10:12	APPROVED -	YES
View	44	WITNESS REPORT	N/A	1	PO Shortall	YES	WILLIAMS, TIFFANY	JUN-12- 2012 11:52	APPROVED -	YES
View	45	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	19	DEPT. SPECIAL ORDER 07-06	YES	HOWARD, MIA	FEB-28- 2012 10:13	APPROVED -	YES
View	46	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	SGT. JOHNSON #1505	-	HOWARD, MIA	FEB-28- 2012 10:14	APPROVED -	YES
View	47	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	SGT. JOHNSON #1505	-	HOWARD, MIA	FEB-28- 2012 10:14	APPROVED -	YES
View	48	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	SGT. JOHNSON #1505	YES	HOWARD, MIA	FEB-28- 2012 10:15	APPROVED -	YES
View	49	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	SGT. JOHNSON #1505	-	HOWARD, MIA	FEB-28- 2012 10:15	APPROVED -	YES
View	50	AUDIO INTERVIEW	N/A	1	audio recording Sgt Johnson Pt.1	YES	WILLIAMS, TIFFANY	DEC-26- 2012 09:33	APPROVED -	YES
View	51	AUDIO INTERVIEW	N/A	1	sgt Johnson pt 2	YES	WILLIAMS, TIFFANY	DEC-26- 2012 11:13	APPROVED -	YES
View	52	INTERVIEW - ACCUSED	N/A	16	Sgt Johnson	YES	WILLIAMS, TIFFANY	JUL-13- 2012 13:42	APPROVED -	YES
View	53	PHOTOGRAPH	N/A	1	submitted by Sgt. Johnson , Unit 189 camera	YES	WILLIAMS, TIFFANY	DEC-26- 2012 10:03	APPROVED -	YES
View	54	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO McDONOUGH #14416	-	HOWARD, MIA	AUG-22- 2012 15:21	APPROVED -	YES
View	55	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	2	PO McDONOUGH #14416	-	HOWARD, MIA	AUG-22- 2012 15:21	APPROVED -	YES
View	56	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	2	PO McDONOUGH #14416	YES	HOWARD, MIA	AUG-22- 2012 15:22	APPROVED -	YES
View	57	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	2	PO McDONOUGH #14416	-	HOWARD, MIA	AUG-22- 2012 15:22	APPROVED -	YES
View	58	AUDIO INTERVIEW	N/A	1	PO McDonough	YES	WILLIAMS, TIFFANY	AUG-21- 2012 09:41	APPROVED -	YES
View	59	INTERVIEW - ACCUSED	N/A	16	OFFICER McDONOUGH	YES	HOWARD, MIA	AUG-22- 2012 15:23	APPROVED -	YES
View	60	REQUEST FOR	N/A	1	PO O'MALLEY	-	HOWARD, MIA	AUG-22-	APPROVED -	YES

INTERVIEW/STATEMENT/REPORT				#17187			2012 15:23		
View	61	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO O'MALLEY #17187	-	HOWARD, MIA	AUG-22-2012 15:24	APPROVED - YES
View	62	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO O'MALLEY #17187	YES	HOWARD, MIA	AUG-22-2012 15:24	APPROVED - YES
View	63	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO O'MALLEY #17187	-	HOWARD, MIA	AUG-22-2012 15:25	APPROVED - YES
View	64	AUDIO INTERVIEW	N/A	1	PO O Malley	YES	WILLIAMS, TIFFANY	AUG-21-2012 09:43	APPROVED - YES
View	65	INTERVIEW - ACCUSED	N/A	17	OFFICER O'MALLEY	YES	HOWARD, MIA	SEP-10-2012 09:39	APPROVED - YES
View	66	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	2	SGT. JOHNSON #1505	-	HOWARD, MIA	NOV-20-2012 12:17	APPROVED - YES
View	67	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	2	SGT. JOHNSON #1505	-	HOWARD, MIA	NOV-20-2012 12:19	APPROVED - YES
View	68	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	2	SGT. JOHNSON #1505	YES	HOWARD, MIA	NOV-20-2012 12:19	APPROVED - YES
View	69	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	2	SGT. JOHNSON #1505	-	HOWARD, MIA	NOV-20-2012 12:20	APPROVED - YES
View	70	AUDIO INTERVIEW	N/A	1	Sgt Johnson 2nd interview	YES	WILLIAMS, TIFFANY	NOV-14-2012 12:14	APPROVED - YES
View	71	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	PO Bochnak	YES	WILLIAMS, TIFFANY	DEC-26-2012 10:09	APPROVED - YES
View	72	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	PO Bochnak	YES	WILLIAMS, TIFFANY	DEC-26-2012 10:20	APPROVED - YES
View	73	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	PO Bochnak	YES	WILLIAMS, TIFFANY	DEC-26-2012 10:11	APPROVED - YES
View	74	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	PO Bochnak	YES	WILLIAMS, TIFFANY	DEC-26-2012 10:12	APPROVED - YES
View	75	AUDIO INTERVIEW	N/A	1	PO Bochnak	YES	WILLIAMS, TIFFANY	DEC-24-2012 13:47	APPROVED - YES
View	76	INTERVIEW - ACCUSED	N/A	17	OFFICER FRANCIS BOCHNAK	YES	HOWARD, MIA	DEC-24-2012 09:55	APPROVED - YES
View	77	INTERVIEW - ACCUSED	N/A	15	Sgt Johnson 2nd statement	YES	WILLIAMS, TIFFANY	DEC-26-2012 11:24	APPROVED - YES
View	78	CONFLICT CERTIFICATION	N/A	1	-	YES	HOWARD, MIA	DEC-24-2012 09:55	APPROVED - YES
View	79	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	13	U.S. SUPREME COURT/ YBARRRA v. ILLINOIS	-	HOWARD, MIA	JAN-23-2013 10:49	APPROVED - YES
View	80	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	14	SUPREME COURT of UNITED STATES/ MICHIGAN v. SUMMERS	-	HOWARD, MIA	JAN-23-2013 10:51	APPROVED - YES
View	81	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	8	U.S. COURT of APPEALS FOR THE SECOND CIRCUIT/ BAILEY v. UNITED	-	HOWARD, MIA	JAN-23-2013 10:53	APPROVED - YES

STATES (11-770)

View	82	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	10	GO 87-07	YES	WILLIAMS, TIFFANY	JAN-25-2013 12:44	APPROVED -	YES
View	83	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	16	GO 02-03	YES	WILLIAMS, TIFFANY	JAN-25-2013 12:45	APPROVED -	YES
View	84	DEPARTMENT DIRECTIVE OR GENERAL ORDER	N/A	3	GO 02-03-02	YES	WILLIAMS, TIFFANY	JAN-25-2013 12:46	APPROVED -	YES
View	85	INVESTIGATOR CASE LOG	N/A	2	-	YES	WILLIAMS, TIFFANY	JAN-25-2013 12:47	APPROVED -	YES
View	86	COURT DOCUMENTS (E.G., CIVIL COMPLAINTS, BOND SLIPS)	N/A	10	U.S. Supreme Court Case - Bailey v. U.S.	YES	WILLIAMS, TIFFANY	NOV-27-2013 16:04	APPROVED -	YES
View	-	SUSPENSION NOTICE	N/A	1	Signed Suspension Notification by Superintendent -Sgt. Johnson	-	HOWARD, MIA	NOV-21-2013 12:35	APPROVED -	YES
View	-	SUMMARY REPORT	N/A	24	Summary report by Inv. Tiffany Williams	NO	ANDO, SCOTT	JUN-11-2014 19:23	APPROVED -	YES
View	-	REPORT (OTHER)	N/A	1	Internal IPRA Non-concurrence memo by CA Ando	NO	ANDO, SCOTT	JUN-11-2014 19:24	APPROVED -	YES
View	-	REPORT (OTHER)	N/A	2	Signed Mediation Agreement	-	HONG, WINKLE	MAY-15-2013 10:07	APPROVED -	YES
View	-	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	-	-	HONG, WINKLE	MAY-15-2013 10:06	APPROVED -	YES
View	-	ADMINISTRATIVE PROCEEDINGS RIGHTS	N/A	1	-	-	HONG, WINKLE	MAY-15-2013 10:06	APPROVED -	YES

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents☒ **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History☒ **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED/FINAL	24-JUN-2016 07:46	MCGHEE, CYNTHIA	CLERK 3	██████	113 / -	-
PENDING IMPLEMENT ACTION	26-MAR-2015 10:19	THOMAS, KELLY	SYSTEMS PROGRAMMER	██████	113 / -	-
PENDING IMPLEMENT ACTION	26-MAR-2015 10:16	THOMAS, KELLY	SYSTEMS PROGRAMMER	██████	113 / -	-
PENDING IMPLEMENT ACTION	26-MAR-2015 10:08	THOMAS, KELLY	SYSTEMS PROGRAMMER	██████	113 / -	-
PENDING IMPLEMENT ACTION	26-MAR-2015 10:04	THOMAS, KELLY	SYSTEMS PROGRAMMER	██████	113 / -	-
PENDING IMPLEMENT ACTION	26-JUN-2014 16:50	ROTI, NICHOLAS	CHIEF	██████	188 / -	-
PENDING FINANCE DIVISION RESPONSE	20-JUN-2014 09:35	HAZBIC, AMRA	CLERK 3	██████	113 / -	-
PENDING COMMAND CHANNEL REVIEW	17-JUN-2014 14:25	CARTER, ERIC	DEP CHIEF	██████	188 / -	-

PENDING COMMAND CHANNEL REVIEW	17-JUN-2014 11:56	WASHINGTON, ERIC	COMMANDER	████	189 / -	-
PENDING COMMAND CHANNEL REVIEW	16-JUN-2014 09:27	SUSNIS, MAUREEN	SERGEANT OF POLICE	████	121 / -	-
PENDING ADVOCATE REVIEW	13-JUN-2014 12:49	DEL VALLE, NOEL	POLICE AGENT	████	121 / -	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	13-JUN-2014 11:58	MCGHEE, CYNTHIA	CLERK 3	████	113 / -	-
CLOSED AT C.O.P.A.	13-JUN-2014 11:24	MCGHEE, CYNTHIA	CLERK 3	████	113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	11-JUN-2014 19:24	ANDO, SCOTT	DEPUTY DIRECTOR	████	113 / -	-
PENDING CHIEF ADMINISTRATOR REVIEW	11-JUN-2014 19:24	ANDO, SCOTT	DEPUTY DIRECTOR	████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	04-MAR-2014 12:21	LERNER, ELIZABETH	SUPERVISING INV COPA	████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	04-MAR-2014 11:58	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	04-MAR-2014 11:54	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	04-MAR-2014 11:39	LERNER, ELIZABETH	SUPERVISING INV COPA	████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	27-NOV-2013 16:12	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	27-NOV-2013 16:10	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	27-NOV-2013 15:29	LERNER, ELIZABETH	SUPERVISING INV COPA	████	113 / -	-
PENDING C.O.P.A. COORDINATOR REVIEW	30-JAN-2013 11:02	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	30-JAN-2013 11:00	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	30-JAN-2013 10:49	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	25-JAN-2013 13:02	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	10-JAN-2013 11:20	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	29-DEC-2012 11:08	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	13-JUL-2012 16:33	DAVIS, LORENZO	SUPERVISING INV COPA	██	113 / -	-
PENDING INVESTIGATIVE REVIEW	13-JUL-2012 13:43	WILLIAMS, TIFFANY	INVESTIGATOR 2 COPA	████	113 / -	-
PENDING INVESTIGATION	17-FEB-2010 16:47	DUFFY, MICHAEL	COOR /INVESTIGATIONS	████	113 / -	-
PENDING ASSIGN INVESTIGATOR	16-FEB-2010 16:53	DUFFY, MICHAEL	COOR /INVESTIGATIONS	████	113 / -	Type Changed from INFO to CR on 16-FEB-2010 16:53 by DUFFY, MICHAEL
PENDING ASSIGN TEAM	11-FEB-2010 14:13	QUERFURTH, PATRICK	SUPERVISING INV COPA	████	113 / -	-
PENDING SUPERVISOR REVIEW	11-FEB-2010 14:11	QUERFURTH, PATRICK	SUPERVISING INV COPA	████	113 / -	-
PRELIMINARY	11-FEB-2010 14:08	QUERFURTH, PATRICK	SUPERVISING INV COPA	████	113 / -	check
PENDING SUPERVISOR REVIEW	11-FEB-2010 13:49	SMITH-TOLLIVER, STACEY	INTAKE AIDE	████	113 / -	-
PRELIMINARY	11-FEB-2010 12:45	QUERFURTH, PATRICK	SUPERVISING INV COPA	████	113 / -	check
PENDING SUPERVISOR REVIEW	11-FEB-2010 11:26	SMITH-TOLLIVER, STACEY	INTAKE AIDE	████	113 / -	-
PRELIMINARY	11-FEB-2010 11:16	QUERFURTH, PATRICK	SUPERVISING INV COPA	████	113 / -	-
PENDING SUPERVISOR REVIEW	11-FEB-2010 10:49	SMITH-TOLLIVER, STACEY	INTAKE AIDE	████	113 / -	-
PRELIMINARY	11-FEB-2010 09:45	SMITH-TOLLIVER, STACEY	INTAKE AIDE	████	113 / -	-

Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
MC DONOUGH, PATRICK	1	WASHINGTON, ERIC
MC DONOUGH, PATRICK	2	CARTER, ERIC
MC DONOUGH, PATRICK	3	ROTI, NICHOLAS
O MALLEY, GERALD	1	WASHINGTON, ERIC
O MALLEY, GERALD	2	CARTER, ERIC
O MALLEY, GERALD	3	ROTI, NICHOLAS
BOCHNAK, FRANCIS	1	WASHINGTON, ERIC
BOCHNAK, FRANCIS	2	CARTER, ERIC
BOCHNAK, FRANCIS	3	ROTI, NICHOLAS

row(s) 1 - 9 of 9

SUMMARY REPORT
CHICAGO POLICE DEPARTMENTLOG NO
1033791TYPE
CRDATE OF REPORT
04-MAR-2014**TO: CHIEF ADMINISTRATOR, INDEPENDENT POLICE REVIEW AUTHORITY***OK See internal N/C*

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
WILLIAMS, TIFFANY	9182			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 641 W. ROOSEVELT RD, CHICAGO, IL 60607	DATE / TIME:	BEAT: 131
INCIDENT ADDRESS: 4334 S. LANGLEY AVE, CHICAGO, IL 60653	DATE / TIME: 09-FEB-2010 14:02	BEAT: 222

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
UNKNOWN						/			YES	UNK
JOHNSON, DWAYNE	9171	1505		121		M / BLK	1964	13-OCT-1986	YES	YES
MC DONOUGH, PATRICK	9161	14416		189		M / WHI	1968	08-JUL-1996	UNK	YES
O MALLEY, GERALD M	9161	17187		189		M / WHI	1968	03-JAN-1995	UNK	YES
BOCHNAK, FRANCIS	9161	19020		189		M / WHI	1965	06-FEB-1995	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL		M / BLK	1965 / 49

VICTIMS

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL		M / BLK	1965 / 49
		CHICAGO, IL		F / BLK	1970 / 43
		CHICAGO, IL		M / BLK	/

WITNESSES

NAME	ADDRESS*	CITY STATE	TELEPHONE	SEX / RACE	DOB / AGE
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* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS:

On 11 February 2010, at approximately 0945 hours, the Complainant, [REDACTED] telephoned the Independent Police Review Authority (IPRA) and registered a complaint with Intake Aide Smith-Tolliver. [REDACTED] alleged that on 09 February 2010 at approximately 1430 hours in the vicinity of 641 W. Roosevelt Road, **Police Officer Patrick McDonough, # 14416 and Police Officer Gerald O'Malley, # 17187, Unit 189:**

- 1) Unreasonably seized and unreasonably detained him at 5101 S. Wentworth.

It is further alleged by Investigator Tiffany Williams that on 03 February 2012, at approximately 1430 hours at the I.P.R.A. **Police Officer Patrick McDonough:**

- 2) Submitted a false report when he stated that he transported [REDACTED] to 4334 S. Langley.

It is further alleged by Investigator Tiffany Williams that on 03 February 2012, at approximately 1430 hours **Police Officer Gerald O'Malley:**

- 2) Submitted a false report when he stated that he transported [REDACTED] to 4334 S. Langley.

It is further alleged by [REDACTED] that on the same date, while executing a search warrant at 4334 S. Langley Avenue, **Sgt. Dwayne Johnson, # 1505, Unit 189 (now Unit 003):**

- 1) Directed that [REDACTED] be unreasonably detained, by being confined, for hours, at the 2nd District Police Station, while his girlfriend's apartment, at 4334 S. Langley, was searched.

It is further alleged by [REDACTED] that on the same date, while executing a search warrant at 4334 S. Langley Avenue, **Sgt. Dwayne Johnson:**

- 2) Authorized that [REDACTED] be strip searched.

It is further alleged by [REDACTED] that on the same date: while executing a search warrant at 4334 S. Langley Avenue, **Sgt. Dwayne Johnson, # 1505:**

- 3) Took and failed to inventory \$3567.00 U.S.C.

It is further alleged by Investigator Tiffany Williams that on the same date: while executing a search warrant at 4334 S. Langley Avenue, **Sgt. Dwayne Johnson, #1505:**

- 4) Failed to take before and after photographs while executing a search warrant;

- 5) Was inattentive to duty in that he failed to use a canine team or to justify not using one in the appropriate case report;
- 6) Was inattentive to duty in that he failed to designate a search team member that has received Department training in the use of digital cameras;
- 7) Was inattentive to duty in that he failed to make every effort to leave the premises in the same condition as originally found;
- 8) Was inattentive to duty in that he failed to ensure that the point of entry was secured in a reasonable manner; and
- 9) Was inattentive to duty in that he failed to review the completed sketch of the premises.

It is further alleged by [REDACTED] that on 11 February 2010, at approximately 1430 hours in the vicinity of 4334 S. Langley, **Police Officer Frank Bochnak, #19020, Unit 189:**

- 1) Unreasonably seized and detained [REDACTED]; and
- 2) Improperly searched [REDACTED].

It is further alleged by [REDACTED] that on the same date, while executing a search warrant at 4334 S. Langley Avenue, **Police Officer Frank Bochnak:**

- 3) Took and failed to inventory \$3567.00 U.S.C.

It is further alleged that on 11 February 2010, at approximately 1430 hours in the vicinity of 4334 S. Langley, **Unknown Officers:**

- 1) Strip searched the victim, [REDACTED];
- 2) Choked the victim, [REDACTED];
- 3) Broke [REDACTED] wristwatch while detaining him; and
- 4) Broke a flat screen television and damaged the apartment.

INVESTIGATION:

In an in person **statement** with IPRA Inv. Messenger on 11 February 10, **Complainant** [REDACTED] related that on 09 February 10 at approximately 1:15 pm, he left his girlfriend's home at 4334 S. Langley and drove toward the expressway en route to 8201 W. Taylor for a doctor's appointment. [REDACTED] related that his car was stopped at Roosevelt Road by two plainclothes police officers (now known to be Officers Patrick McDonough and Gerald O'Malley) in an unmarked squad car. [REDACTED] was told to exit his car and place his hands on the trunk. The officers searched him and his car and handcuffed him. [REDACTED] was placed in the rear seat of the unmarked squad car. One officer drove the unmarked squad car and the second officer drove [REDACTED] car to 51st and Wentworth where [REDACTED] was subsequently detained.

[REDACTED] stated that he asked the officer driving him to 51st and Wentworth, "Excuse me officer, what's wrong?" What's going on?"¹ The unidentified officer told [REDACTED] "Shut the fuck up before I hit you in the mouth."² [REDACTED] stated that he remained silent from that point forward until they had reached 51st Street. Once at 51st Street, [REDACTED] asked the same officer again, "Excuse me, what's really goin' on?"³ The officer again told him to shut up and took him to a second floor holding room. Once inside the room, the officer removed the handcuffs and [REDACTED] realized that his watch was broken. The handcuffs had been placed on top of his watch.

During the time that he was detained, "It wasn't too much goin' on, 'cause no one never knocked on the door and told me – and asked me what was goin' on, or nothin'. No one – I had to use the bathroom. No one never came and, and let me use the bathroom. I kept hollerin'. No one never came."⁴ After approximately two and half hours, the officer that had driven him to 51st Street, provided [REDACTED] with a copy of a search warrant for his vehicle and his girlfriend's home at 4334 S. Langley. [REDACTED] was later released without being charged or receiving any citations. [REDACTED] related that he did not sustain any injuries from the incident with the police; however, he believes that he was treated unfairly. (Attachment 30).

In an in person statement with IPRA Inv. Richmond on 11 February 2010, **Victim** [REDACTED], related that she received a telephone call from her boyfriend, [REDACTED] while at work telling her to come home. [REDACTED] stated that [REDACTED] informed her that her home had been broken into by Chicago Police Personnel. [REDACTED] was not present at her home at the time of the incident.

[REDACTED] related that when she arrived home, her boyfriend, [REDACTED] the baby sitter, [REDACTED] and her sister, [REDACTED], were there. She entered her home, and found that "The whole house was destroyed." [REDACTED] had received a large sum from a tax preparation service on 29 January 2010 and provided receipts for

¹ Smith, K., page 5, lines 2 and 3.

² *Id.*, page 5, lines 4 and 5.

³ *Id.*, page 5, lines 7 and 8.

⁴ *Id.*, page 7, lines 15-19.

items she had purchased on 5 February 2010. The search of her home was conducted on 9 February 2010. [REDACTED] related that she had recently received her income tax refund of \$3567.00 and she had placed the money inside a pair of jeans and she went looking for it and it was not there.

[REDACTED] stated that [REDACTED] told her that he was walking down the street and the officers detained him and escorted him back to the [REDACTED] home. [REDACTED] stated, "You know and when they got him off the street, they brought him back to my house and he don't even live at my house."⁵ However, she did state that [REDACTED] was preparing dinner for her children. [REDACTED] stated that the three bedrooms in her home were "messed up from front to back." She further related that her new flat screen television was broken and sitting on the floor, all of the vents were torn apart, there was a hole punched in the wall, the kid's cereal was all over the floor and the toilet tissue holder was also "snatched out" of the wall.

[REDACTED] further related that [REDACTED] told her that upon his return to the house, police were already inside searching, and he was strip searched by unidentified officers. She also stated that [REDACTED] told her that he informed the police that they could not come inside of her home because she was at work. [REDACTED] then provided the IPRA with 24 photographs that her boyfriend, [REDACTED] took of her apartment on the date of the incident. (Attachment 32).

In an in person statement with IPRA Inv. Hernandez on 11 February 2010, **Victim** [REDACTED] related that on 09 February 2010, he was walking from 43rd and Cottage Grove when he was approached by two white male plainclothes officers (one of the officers is now known to be Officer Frank Bochnak). The unidentified officers told [REDACTED] to open his mouth and he did. The officers then began to choke [REDACTED] and he began to holler and scream for help. The officers immediately removed their hands from his throat and put him inside their vehicle. [REDACTED] was then transported to 4334 S. Langley, where he worked as a babysitter for [REDACTED].

[REDACTED] stated that upon arriving at [REDACTED] home, police were already inside searching the home. The officers did not show [REDACTED] a copy of a search warrant. He was then made to submit to a strip and body cavity search. [REDACTED] said, "They made me took my boxers down, took them off, and told me to bend over, to spread my butt cheeks out and looked all between them – my butt."⁶ The other officers searched the home. [REDACTED] stated the officers went from room to room searching everything, going through clothes and putting holes in the wall. [REDACTED] was allowed to dress and told to sit on the couch while the officers continued searching.

[REDACTED] stated that [REDACTED] had \$3567.00 U.S.C. in a pocket of a pair of jeans that she could not find later. [REDACTED] stated that he observed a short, chubby officer in his 40's, with a red mustache and beard counting money; however, he did not know how much money the officer had. [REDACTED] stated that there was a total of six

⁵ Thompson, page 8, lines 23-24, and page 9, line 1.

⁶ Smith, J., page 5, lines 23-24, and page 10, line 1.

or seven plainclothes officers searching the home initially and later a couple of uniformed officers arrived.

██████████ stated that the officers put all of the children's clothes on the floor, removed all of the heat vents, "busted the toilet paper holder," removed all of the can goods, leaving them on the floor, opened all of the cereal boxes, flour and sugar and poured it onto the floor, and kicked a hole in the wall near the kitchen. They also put a hole in the front wall. (Attachment 31).

Photographs taken the date of incident by ██████████ of ██████████ home depict a home in various states of disarray; clothing and other items are strewn about the floor and beds, the vents were removed from their housings, as well as a light fixture and holes were placed in the walls. (Attachment 20).

Office of Emergency Communications (OEMC) **Event Query # 1004008462** documented that Beat 6213, from Unit 189, Organized Crime Division, Narcotics Section, identified themselves on scene at 4334 S. Langley, at 1413 hours, executing a search warrant. Beat 6213 relocated to the Area (51st and Wentworth) at 1647 hours. Beat 6213 obtained a Records Division Number for a Vice Case Report HS-158118. (Attachment 16).

Vice Case Report (HS-158118) documented that on 09 February 10 at approximately 1413 hours, Beat 6213 of Unit 189 was at 4334 S. Langley relative to Possession of a Controlled Substance and a subsequent narcotics Supplementary Report was generated. (Attachment 23).

Narcotics Section Supplementary Report (HS-158118) documented that Team A-3, of the Organized Crime Division, Narcotics Section were conducting surveillance of 4334 S. Langley when they observed target, ██████████ drive up in a green Mustang bearing License Plate # ██████████ ██████████ entered the address and a short time later exited, returning to the green Mustang and driving off. Enforcement officers conducted a traffic stop and detained ██████████

Team A-3 and Team A-5 then relocated to 4334 S. Langley and executed a search warrant at 14:13 hours. Entry was made by force into the residence. Surveillance officers observed ██████████ enter the residence several times prior to the execution of the warrant. During execution of the said warrant, enforcement officers approached ██████████ on the street to conduct a field interview. ██████████ inquired if officers had a warrant and they told him they did have a warrant. ██████████ informed officers that he took care of the kids there for a friend. Officers then returned to the address with ██████████ A systematic search was conducted, but no evidence was found. ██████████ was listed as being present during the search. (Attachment 24).

Search Warrant (10SW5437) identified the target as ██████████ The warrant also gave officers permission to search the residence at 4334 S. Langley (garden apartment) for crack cocaine, any documents showing residency, any drug paraphernalia

used in weighing, cutting or mixing of illegal drugs, any money and or records detailing illegal drug transactions. (Attachment 21).

The **Search Warrant Data** sheet (10SW5437) documented the personnel who were present and their assignments. Sgt. Dwayne Johnson, # 1505, was identified as the Supervising Sergeant as well as the Evidence Supervisor. (Attachment 22).

Department Special Order 07-06 outlines Department policy regarding **SEARCH WARRANT AND CONSENT TO SEARCH INCIDENTS**. The relevant sections to this investigation are the following:

VIII. SEARCH WARRANT EXECUTION

A. Prior to the execution of a search warrant, the search team supervisor will:

8. request the presence of a canine team when the focus of the warrant is narcotics and/or explosives.

NOTE: Search team supervisors not utilizing a canine team for these situations will justify in the appropriate case report why a canine team was not used.

9. designate a search-team member that has received Department training in the use of digital cameras as uploading images to photograph images consistent with item VIII-E-5 of this directive.

D. At the time of actual search warrant execution:

1. the search team supervisor will:
 - b. personally coordinate the movements and activities of team members.
 - c. ensure that any searches of persons present at the location the search warrant is being executed are conducted in accordance with the provisions of the Department directive entitled "Processing Persons Under Department Control."
3. ensure that each member participating in the execution of a search warrant will exercise caution with respect to the rights of those involved. If use of force is required, use only the minimum amount necessary, making every effort to leave the premises in the same condition as originally found.

E. Upon securing the premises and determining the situation is under control:

5. the designated member will:
 - b. photograph the following:
 - (1) the interior of the premises after it is secured and before it is searched;
 - (3) the premises after the search is completed; and

NOTE: Search team members are expected to conduct thorough, systematic, and organized searches for evidence and avoid unnecessary damage; yet, it is understood that search warrant execution will often result in the premises being left in a disorderly state. If damage to the interior, such as drywall, is required, members will note this in the narrative portion of the appropriate case report.

- (4) the point of entry at the time the search warrant team departs from the premises.

8. If an owner, resident, or other responsible part is not present during the execution of the search warrant, the search warrant supervisor will ensure the point of entry is secured in a reasonable manner.

F. Following the execution of a search warrant,

2. the search team supervisor will:

- a. review the completed Post-Execution or Returned Warrant Data record in the CLEAR system. The supervisor will also review the completed Sketch Page, indicate approval by his or her signature, and forward it to the unit commanding officer or watch commander for final approval. (Attachment 45).

Department General Order 02-03 outlines PROCESSING PERSONS UNDER DEPARTMENT CONTROL. The relevant section is the following:

III. DEFINITIONS

- O. STRIP SEARCH -- The removal or rearrangement of some or all of the clothing of an arrestee to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments. (Attachment 83).

Department General Order 02-03-02 outlines CONDUCTING FIELD AND STRIP SEARCHES.⁷ The relevant sections are the following:

II. RESPONSIBILITIES

- B. NOTE: A field search is defined in the Department directive entitled "Interrogations: Field and Custodial."

D. Strip Searches

⁷ General Order 02-03-02 is an addendum to 02-03, Processing Persons Under Department Control.

1. Arrestees will not be subjected to a strip search for any offense unless specific factors are present which establish reasonable belief that the search will uncover a weapon or contraband.
 2. Discretion and good judgment will be used when conducting a strip search. The arrestee will not be required to remain unclothed any longer that is absolutely necessary.
 3. All strip searches will be conducted by a member of the same gender, in a secure area, and isolated from the view of others. No touching of body cavities, other than the mouth, is permitted by Department members.
 7. When it is imperative that a strip search be conducted in the field, a field supervisor must be contacted for approval. Field supervisors approving or disapproving the search will immediately notify the district watch commander and complete a Report of Strip Search.
 8. A person not under arrest may be subjected to a strip search only when a search warrant is executed under the provisions of 725 ILCS 5/108-9 (Detention and Search of Persons on Premises), and the procedures established in this directive are followed.⁸ However, a person who is present in a place where a warrant is being executed may not be strip searched by virtue of his/her mere presence at the scene. A strip search of such an individual requires that probable cause exists to believe that the person to be searched is either concealing a weapon and/or instruments or articles described in the warrant.
- E. A search of any body cavity other than the mouth will be permitted only under the authority of a search warrant. The body cavity search will be performed under sanitary conditions either by or under the supervision of a physician licensed to practice medicine in the State of Illinois. (Attachment 84).

Department General Order 87-07 outlines Department policy regarding **INTERROGATIONS: FIELD AND CUSTODIAL**. The relevant sections to this investigation are the following:

II. DEFINITIONS

- A. A field interrogation is general on-the-scene questioning of a person about a crime or other general questioning of witnesses in the fact-finding process; providing that the person being questioned has not been taken

⁸ 725 ILCS 5/108-9 instructs "In the execution of the warrant the person executing the same may reasonably detain to search any person in the place at the time: (a) To protect himself from attack, or (b) To prevent the disposal or concealment of any instruments, articles or things particularly described in the warrant."

into custody nor has been deprived of his freedom of action in any significant way.

VII. SOLE JUSTIFICATION FOR SEARCHING A PERSON

- A. When a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity is present or imminent and that person with whom he is dealing may be armed and dangerous; when in the course of investigating his behavior he identifies himself as a peace officer and makes reasonable inquires; and when nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others safety, he is entitled, for the protection of himself and others in the area, to conduct a carefully limited search of the outer clothing of such person in an attempt to discover weapons which might be used to commit an assault upon him. Purses of females, attaché cases, etc., may be given a very carefully limited examination solely to discover weapons.
- B. The sole justification of an officer's search of a person whom he has no cause to arrest is the protection of the officer and others nearby, and it must, therefore, be confined to a search reasonably designed to discover guns, knives, clubs, or other hidden instruments which could be used to assault the officer. An officer does not exceed a reasonable scope of search by patting down outer clothing. He must refrain from placing his hands in the pocket or under the outer surface of garments until he feels weapon(s). At that time, the officer should merely reach for and remove the weapon(s). If the weapon is not lawfully possessed, the person searched should then be immediately placed under arrest and a more thorough search conducted. (Attachment 82).

The Reporting Investigator reviewed the United States Supreme Court precedent setting cases on search warrants and seizures of persons outside the residence being searched.⁹

Witness Police Officer Michael Killeen, Star #19411, submitted a written To/From Report relative to allegations made by the complainant. Officer Killeen reported that he did not commit or observe any officer commit the allegations made by the complainant. (Attachment 38).

Witness Police Officer Sharmaun Freeman, Star #11568, submitted a written To/From Report relative to allegations made by the complainant. Officer Freeman reported that he was assigned to entry, during the execution of Warrant 10SW5437. Officer Freeman related that officers knocked, announced and made a forced entry.

⁹ *Michigan v. Summers*, 452 U.S. 692 (1981); *Ybarra v. Illinois*, 444 U.S. 85 (1979); and others. (Attachments 79, 80, 86).

Officer Freeman did not commit or observe any officer commit the allegations made by the complainant. (Attachment 39).

Witness Police Officer Wojciech Lacz, Star #15609, submitted a written To/From Report relative to allegations made by the complainant. Officer Lacz reported that he was assigned to the entry team, wearing a RAID jacket during the execution of Warrant 10 SW5437. Officer Lacz denied observing or committing any of the allegations made by the complainant. (Attachment 40).

Witness Police Officer Robert Carter, Star #17180, submitted a written To/From Report relative to allegations made by the complainant. Officer Carter reported that he was assigned in a covert capacity for the execution of Warrant 10SW5437. Officer Carter further related that he was positioned to watch the back doors via a vacant lot and never entered the target address. Officer Carter denied having any contact with [REDACTED] (Attachment 41).

Witness Police Officer Cheron Bady, Star #11453, submitted a written To/From Report relative to allegations made by the complainant. Officer Bady reported that she was dressed in civilian clothing with a RAID jacket on during the execution of the warrant. Officer Bady also related that she maintained outside security. Officer Bady denied observing or committing any of the allegations made by the complainant. (Attachment 42).

Witness Police Officer DeWayne Mason, Star #13266, submitted a written To/From Report relative to allegations made by the complainant. Officer Mason reported that during the execution of the search warrant he was assigned to perimeter security and had no contact with any persons at the target address. Officer Mason further related that he did not observe or commit any allegations made by the complainant. (Attachment 43).

Witness Police Officer Jonathan Shortall, Star #18955, submitted a written To/From Report relative to allegations made by the complainant. Officer Shortall reported that he was the asset officer during the execution of the warrant. Officer Shortall denied committing or observing any of the allegations made by the complainant. (Attachment 44).

Witness Police Officer Patrick McDonough, Star #14416, submitted a written To/From Report dated 03 February 2012 relative to allegations made by the complainant. Officer McDonough reported that that he conducted a traffic stop on [REDACTED] IR# 63368, and relocated him to 4334 S. Langley. Officer McDonough denied committing or observing any officer commit the allegations made by the complainant. (Attachment 36).

In a **subsequent in-person interview** on 27 July 2012, now **Accused Police Officer Patrick McDonough** provided the IPRA with a statement. Officer McDonough related that he stood by the information he provided in a written To/From report dated 03 February 2012, as a witness. He failed to recall specifics from the date of incident, he recalled that he conducted a traffic stop on [REDACTED] near Roosevelt Road and the

Kennedy Expressway; however, he could not recall who he was in the car with while traveling to that location. Officer McDonough could not recall what was done with [REDACTED] after he stopped him, stating, "I'm not – I don't recall exactly what we did with him after the traffic stop."¹⁰ When Officer McDonough was asked if he, Officer McDonough, returned to 4334 S. Langley, he replied, "At some point, yes."¹¹ When he was asked if [REDACTED] was taken to his police station (Homan Square), he answered, "I don't specifically recall but it's very possible that we did."¹² He clarified that answer by stating, "We would have probably taken him to 51st and Wentworth."¹³ Later during his interview, he stated, "I believe he [REDACTED] was brought back to 4332 Langley. I'm sorry 4334."¹⁴ He could not recall if [REDACTED] was taken into the home or detained outside the home. Officer McDonough also could not recall what happened to the vehicle that [REDACTED] was driving when he was curbed, if [REDACTED] was transported to 51st Street and Wentworth, nor did he remember if he had any physical or verbal contact with [REDACTED] (Attachments 58 and 59).

Witness Police Officer Gerald O'Malley, # 17187, submitted a written To/From Report dated 03 February 2012 relative to allegations made by the complainant. Officer O'Malley reported that on 09 February 2010 he was assigned to Beat 6213. He was in civilian dress and assigned as a member of the breach to execute Search Warrant 10SW5437. Officer O'Malley conducted a traffic stop on [REDACTED] IR # 636688, after [REDACTED] was observed exiting 4334 S. Langley Avenue. [REDACTED] was named as the target of the warrant. Officer O'Malley also related that he did not commit or observe any officer commit the allegations made by the complainant: the strip search of [REDACTED] the damage to a flat screen television, profanity directed at a person, or the removal of United States Currency. (Attachment 37).

In a **subsequent in-person interview** on 16 August 2012, now **Accused Police Officer Gerald O'Malley** related that on the date of incident he was assigned to an enforcement team and his task was to detain the subject [REDACTED] while the search warrant was being executed. Officer O'Malley related that [REDACTED] vehicle was curbed near the exit ramp of Roosevelt Road and the Dan Ryan Expressway, a protective pat down was done on [REDACTED] he was handcuffed and placed in the rear of the police vehicle.

Officer O'Malley did not recall where [REDACTED] was immediately taken after he was detained, nor did he recall what was done with [REDACTED] vehicle after he was detained. He stated that it would have been driven "Either to his residence or to 51st and Wentworth."¹⁵ Officer O'Malley did not recall if he transported [REDACTED] to 4334 S. Langley during the execution of the search warrant at that address. He stated, "I don't recall if I actually transported him to that address, no."¹⁶ He did not recall if [REDACTED]

¹⁰ [REDACTED] page 6, lines 3-4.

¹¹ *Id.*, page 6, line 7.

¹² *Id.*, page 6, line 10-11.

¹³ *Id.*, page 6, line 17-18.

¹⁴ *Id.*, page 12, line 3-4.

¹⁵ O'Malley, page 8, lines 18 and 19.

¹⁶ *Id.*, page 16, lines 15-16.

Smith was taken to 51st Street while he was detained. He stated, "If we didn't bring him back to Forty-third and Langley we would have had him at 51st and Wentworth."¹⁷ He explained the usual procedure when detaining someone at 51st and Wentworth, "Um, we would bring 'em in through – the Second District has a door that's closest to lockup and off of that door there are two or three, maybe four, interview rooms And we would put 'em in there. No—nobody would have been notified to say that we are utilizing your room. We'd leave an officer there if we were doing that."¹⁸ He stated that it would not be an unusual occurrence to take someone he was detaining there. He did not recall [REDACTED] complaining about his arms hurting from the handcuffs or his watch being broken.

Officer O'Malley stated that at some point he went into the house at 4334 S. Langley. He could not recall the condition of the house. He did not see any officer damaging property. He did not see a flat screen television. He did not remember if children were present. He did not have contact with [REDACTED] (Attachments 64 and 65).

In an in person statement to IPRA Inv. Williams taken at the IPRA on 16 February 2012, **Accused Sgt. Dwayne Johnson, # 1505**, related that on 09 February 2010, he was the Supervising Sergeant during the execution of Search Warrant 10SW5437. He also stated that he was the evidence supervisor as well as search team supervisor. Sgt. Johnson further related that his team was looking for narcotics. Prior to the execution of the warrant the team had decided to detain [REDACTED] the target of the warrant, in the event narcotics evidence was found. However, Sgt. Johnson stated that he personally did not detain [REDACTED] and had no physical contact with him or his property, specifically a watch.

Sgt. Johnson stated that nothing of evidentiary value was recovered during the search warrant. Sgt. Johnson further related that he had no knowledge of any currency being taken from the home. Sgt. Johnson recalled [REDACTED] being present on the scene during the execution of the warrant but denies authorizing or observing any officer strip search [REDACTED]. He further related that [REDACTED] was in his immediate vicinity during the twenty to thirty minutes officers were inside the small apartment.

Sgt. Johnson stated that the apartment was in disarray when he and his team arrived, clothes scattered everywhere and the appearance of being unkempt. Sgt. Johnson reviewed D.S.O. 07-06 and stated that he believed that he had the Department digital camera with him and also believed that he had taken before and after photographs of the home as required in D.S.O. 07-06. He stated that if there were no photographs uploaded from the camera it was an oversight. He stated that whoever would have been doing inventories would have been responsible for uploading the photographs. (Attachments 50 and 52).

In a subsequent interview of **Sgt. Dwayne Johnson, # 1505**, taken at the IPRA on 23 October 2012, Sgt. Johnson related that he stood by everything said in his initial

¹⁷ *Id.*, page 14, lines 5-7.

¹⁸ *Id.*, page 14, lines 14-22.

statement with the IPRA on 16 February 2012. Sgt. Johnson related that he could not recall any further specifics regarding the execution of the warrant due to the time that has passed. Sgt. Johnson denied authorizing any person present to perform a strip search of [REDACTED]. Sgt. Johnson denied being inattentive to duty in any manner during the execution of Search Warrant 10SW5437. However, he believed that a lack of knowledge of the Department directives was not inattention to duty; for example, he explained, "I was not inattentive to duty because I was not aware that a canine unit was required."¹⁹ (Attachments 51 and 77).

Witness Police Officer Frank Bochnak, Star # 19020, submitted a written To/From Report dated 02 February 2012 relative to allegations made by the complainant. Officer Bochnak reported that he was in plainclothes during the execution of Search Warrant 10SW5437 at 4334 S. Langley on 09 February 2010. Upon the execution of the search warrant, Officer Bochnak did not observe anyone in the residence. At some point, he conducted a protective pat down of [REDACTED] for officer safety but had no further physical contact with him. Officer Bochnak did not observe any officer strip search or direct profanities at [REDACTED]. He did not observe any officer purposely damage a flat screen television or other items. He had no knowledge of anyone recovering United States Currency from the residence. (Attachment 35).

In a **subsequent in-person interview** on 20 December 2012, now **Accused Police Officer Frank Bochnak**, Star # 19020, stated that he was the affiant on the search warrant with [REDACTED] as the target. He stated that the enforcement officers, one of whom was Officer O'Malley, detained [REDACTED] at 90/94 and Roosevelt Road. He could not recall if [REDACTED] was held near 4334 S. Langley or 51st Street and Wentworth. Officer Bochnak stated that [REDACTED] was observed in the area and stopped for a field interview. Surveillance officers had observed him leaving the apartment. Officer Bochnak stated that he may have been one of the officers who detained [REDACTED]. He could not recall if [REDACTED] was brought inside the apartment during the search. He could not recall if [REDACTED] had keys to 4334 S. Langley or where he lived. He stated that it appeared to him that no one lived at 4334 S. Langley. He believed that it was a "crash pad." (Attachment #75 and 76).

¹⁹ Johnson (Attachment 72), page 10, lines 23 and 24.

CONCLUSION:

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #1 against Officers Patrick McDonough and Gerald O'Malley** that they unreasonably seized and detained [REDACTED]. Officers McDonough and O'Malley had a search warrant which commanded that [REDACTED] and the premises at 4334 S. Langley be searched. They did not have an arrest warrant. The officers observed [REDACTED] leaving 4334 S. Langley, stopped him approximately five miles away at Roosevelt Road and the Kennedy Expressway, and searched him. [REDACTED] stated that he was handcuffed and taken to 51st and Wentworth, where he spent the next two and a half hours unattended in a room. His allegation is not disputed by the arresting officers or the evidence. The Narcotics Section Supplementary Report (HS-158118) documented that only [REDACTED] was present during the search. Neither officer could recall where [REDACTED] was taken immediately after he was detained.

Officer McDonough made several conflicting statements. He stated that: 1) He relocated [REDACTED] to 4334 S. Langley; 2) At some point he took him to 4334 S. Langley; 3) Its very possible that he was taken to Homan Square; 4) He was probably taken to 51st and Wentworth; 5) He could not recall if [REDACTED] was taken inside 4334 S. Langley or if he remained outside; 6) He could not recall if [REDACTED] was transported to 51st and Wentworth; 7) He could not recall what became of [REDACTED] car.

Officer O'Malley did not recall where [REDACTED] was immediately taken after he was detained, nor did he recall what was done with [REDACTED] vehicle after he was detained. Officer O'Malley did not recall if he transported [REDACTED] to 4334 S. Langley. He did not recall if [REDACTED] was taken to 51st Street, while he was detained. He explained the usual procedure when detaining someone at 51st and Wentworth is to bring him through a door closest to the lockup in the 2nd District Police Station and put him in an interview room without notifying anyone at the 2nd District Desk.

Neither Officer McDonough nor Officer O'Malley denied the allegation by [REDACTED] that he was taken to 51st and Wentworth after his car was curbed and he was detained in a room. They did not recall if he was taken there, but they stated that it was the usual procedure and/or probable that he was detained there. The officers would have been justified in detaining [REDACTED] at 4334 S. Langley or just as he was leaving that targeted premises.²⁰ It was unreasonable to stop him five miles from the target location and detain him at 51st and Wentworth (the 2nd District Police Station) which is two miles from the target location. Arrestees are taken into interview rooms at the 2nd District Police Station. [REDACTED] was confined in a room like other arrestees. Furthermore, [REDACTED] stated that he was unattended for two and a half hours. The Event Query (Number 1004008462) and the Narcotics Section Supplementary Report (HS-158118)

²⁰ Pursuant to *Michigan v. Summers*, 452 U.S. 692 (1981), police officers have the limited authority to detain the occupants of the premises while a proper search is conducted.

documented that the warrant was executed at 14:13:49 hours at 4334 S. Langley by Beat 6213 (Sgt. Johnson).²¹ Beat 6213 relocated from that location to the Area (51st and Wentworth) at 16:49:37 hours. Those Department reports corroborate [REDACTED] statement that he was held for two and a half hours. Both Officers McDonough and O'Malley stated that they went to 4334 S. Langley after detaining [REDACTED]. They cannot recall if [REDACTED] returned with them. The Narcotics Section Supplementary Report (HS-158118) documents that [REDACTED] was not in the apartment at 4334 S. Langley when it was searched. It was unreasonable for [REDACTED] to be detained at 51st and Wentworth or in a vehicle in front of 4334 S. Langley. It was unreasonable for [REDACTED] to be transported from Roosevelt Road and the Kennedy Expressway after he was searched there and no contraband was found on him. The allegation that [REDACTED] was unreasonably seized and detained is sustained by a preponderance of the evidence.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2** against **Officer Patrick McDonough** that he submitted a false report when he stated that he transported [REDACTED] to 4334 S. Langley. In his To-From-Subject report submitted 03 February 2012, Officer McDonough reported that he relocated [REDACTED] to 4334 S. Langley. When he was subsequently interviewed about the incident on 24 July 2012, Officer McDonough ultimately responded that he could not recall when he transported [REDACTED] to 4334 S. Langley or if he transported [REDACTED] to 51st and Wentworth. Consequently, there is insufficient evidence to prove or disprove that Officer McDonough submitted a false report or if he could not recall the facts.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2** against **Officer Gerald O'Malley** that he submitted a false report when he stated that he transported [REDACTED] to 4334 S. Langley. In his To-From-Subject report submitted 03 February 2012, Officer O'Malley reported that he had contact with [REDACTED] prior to and during the search warrant at 4334 S. Langley. He did not say where he had the contact during the execution of the warrant. When he was subsequently interviewed about the incident on 16 August 2012, Officer O'Malley could not recall [REDACTED] was transported to 4334 S. Wentworth or to 51st and Wentworth. There is insufficient evidence to prove or disprove that Officer O'Malley can not recall.

Allegations 1--9 against **Sgt. Dwayne Johnson** were mediated (See CLEAR).

The Reporting Investigator recommends a finding of **Sustained** for **Allegation #1** against **Officer Frank Bochnak** that he unreasonably detained [REDACTED] without justification. Officer Bochnak stated that during surveillance [REDACTED] was observed coming and going from the targeted apartment. He did not state when these observations were made or how much time had expired before he seized [REDACTED] after the observations. However, it is clear that [REDACTED] was seized after entry had been made into the apartment. [REDACTED] and [REDACTED] stated that [REDACTED] is the person who cares for [REDACTED] children while she is at work. [REDACTED] stated that he

²¹ Beat 6213 identifies the entire search team. Officer Bochnak identified his beat as Beat 6213 when he typed the Narcotics Section Supplementary Report (HS-158118).

had just left a store in the vicinity of 83rd Street and Cottage Grove when he was stopped, searched, and choked by police officers. He was handcuffed and taken to 4334 S. Langley Ave. (approximately a block and a half away), where he was strip searched and detained while police officers searched the premises. Officer Bochnak stated that he probably was one of the officers who detained [REDACTED] for a field interview.²² Officer Bochnak could not recall where [REDACTED] was stopped. He stated that he conducted a pat down search of [REDACTED] for officer safety. He could not recall if [REDACTED] was brought inside the apartment at 4334 S. Langley Ave., during the execution of the search warrant there. However, Officer Bochnak prepared the Narcotics Section Supplementary Report (HS-158118), where he documented that [REDACTED] was relocated to 4334 S. Langley. Sgt. Johnson verified that [REDACTED] was brought into 4334 S. Langley Ave. and detained in the living room there for the duration of the search. Stopping [REDACTED] who was not the target of the search warrant, away from the target location and seizing and detaining him at that location was a violation of his 4th Amendment Right prohibiting unreasonable searches and seizures. The allegation is sustained by a preponderance of the evidence.

The Reporting Investigator recommends a finding of **Sustained for Allegation #2** against **Officer Frank Bochnak** that he improperly searched [REDACTED] [REDACTED] stated that he had just left a store in the vicinity of 83rd Street and Cottage Grove when he was stopped, searched, and choked by police officers. He was handcuffed and taken to 4334 S. Langley Ave., where he was strip searched and detained while police officers searched the premises. Officer Bochnak stated the he probably was one of the officers who detained [REDACTED] for a field interview. He stated that during surveillance of 4334 S. Langley, [REDACTED] had been seen entering and leaving the apartment. Officer Bochnak had a search warrant for narcotics at that location. He stated that he conducted a pat-down search of [REDACTED] for officer safety. Officer Bochnak did not articulate his probable cause to believe that [REDACTED] was armed. Officer Bochnak lacks credibility when he implies that his search of [REDACTED] was limited to a pat-down. [REDACTED] was not allowed to continue on his way after the "pat-down." Officer Bochnak had a search warrant for narcotics and [REDACTED] described being thoroughly searched on the street and stripped searched in the targeted apartment for narcotics. There was no evidence that [REDACTED] lived at 4334 S. Langley or that he had keys to the residence. Stopping [REDACTED] who was not the target of the search warrant, away from the target location, after entry had been made to the targeted apartment, for the purpose of searching him was a violation of his 4th Amendment right prohibiting unreasonable searches.²³ The allegation is sustained by a preponderance of the evidence.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegations #3** against **Officer Frank Bochnak** that he took and failed to return or inventory \$3567.00 U.S.C. belonging to [REDACTED] All of the members of the police search team, including Sgt. Johnson, denied that there was money found in the

²² Officer Bochnak documented his interview of [REDACTED] in the Narcotics Section Supplementary Report (HS-158118).

²³ Under *Ybarra v. Illinois*, 444 U.S. 85 (1979), the police can not search a person who just happens to be, at the scene, when a warrant is executed.

apartment and did not inventory any. There is no definitive way to determine if the money was actually in the house as stated by [REDACTED]

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #1** against **unknown officers** that they strip searched [REDACTED] and subjected him to a body cavity search. [REDACTED] stated that he was made to strip down to his boxers, and then lower them and spread his butt cheeks as officers looked “all between them.” Sgt. Johnson denied that he authorized a body cavity search. All of the members of the search team denied that they strip searched [REDACTED]. Without other witnesses there is insufficient evidence to prove or disprove the allegation.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #2** against **unknown officers** that they choked [REDACTED]. [REDACTED] stated that he was approached by two white male plainclothes officers who told him to open his mouth and then began to choke him. Officer Bochnak, who conducted a protective pat down search of [REDACTED] Smith, and the other members of the search team, denied that they choked him. Without independent witnesses or video footage, there is insufficient evidence to prove or disprove the allegation.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #3** against **unknown officers** that they broke [REDACTED] wristwatch while detaining him. Officers McDonough and O'Malley stopped [REDACTED], handcuffed him, detained him, and transported him to 51st and Wentworth. When they removed the handcuffs, [REDACTED] realized that his watch was broken. The handcuffs had been placed on top of his watch. Officers McDonough and O'Malley denied all allegations of having purposely damaged property. [REDACTED] did not show the broken wristwatch to the IPRA investigators. There is insufficient evidence to prove or disprove the allegation.

The Reporting Investigator recommends a finding of **Not Sustained** for **Allegation #4** against **unknown officers** that they broke a flat screen television. [REDACTED] provided photographs of her home in the state she alleged officers left it. However, the photographs show the side of a flat screen television. It can not be determined if it is broken. There is insufficient evidence to prove or disprove the allegation.

FINDINGS:

Accused # 1: **Police Officer Patrick McDonough, Star #14416, Unit 189**

Allegation #1 **Count 1: Sustained** – Violation of Rule 1, “Violation of any law or ordinance,” in that, on 09 February 2010, at approximately 1430 hours, at 641 West Roosevelt Road, while on duty, Police Officer Patrick McDonough, #14416, Unit 189, violated the United States Constitution’s Fourth and Fourteenth Amendments which prohibited unreasonable seizures when he seized [REDACTED] and detained him in a room in the 2nd District Police Station unattended for two and a half hours.

Count 2: Sustained -- Violation of Rule 6, “Disobedience of an order or directive, whether written or oral,” in that on 09 February 2010, at approximately 1700 hours, at 5101 South Wentworth, while on duty, Police Officer Patrick McDonough disobeyed GO 02-03-03, Releasing Arrestees Without Charging and Waiving Fingerprint Results, in that he released [REDACTED] who had been confined in the 2nd District Police Station, without notifying the watch commander in charge of the detention facility.

Allegation #2 **Not Sustained**

Accused #2**Police Officer Gerald O'Malley, Star #17187, Unit 189****Allegation #1**

Count 1: Sustained – Violation of Rule 1, “Violation of any law or ordinance,” in that, on 09 February 2010, at approximately 1430 hours, at 641 West Roosevelt Road, while on duty, Police Officer Gerald O'Malley, Star #17187, Unit 189, violated the United States Constitution's Fourth and Fourteenth Amendments which prohibited unreasonable seizures when he seized [REDACTED] and detained him in a room in the 2nd District Police Station unattended for two and a half hours.

Count 2: Sustained -- Violation of Rule 6, “Disobedience of an order or directive, whether written or oral,” in that on 09 February 2010, at approximately 1700 hours, at 5101 South Wentworth, while on duty, Police Officer Gerald O'Malley, Star #17187, Unit 189, disobeyed GO 02-03-03, Releasing Arrestees Without Charging and Waiving Fingerprint Results, in that he released [REDACTED] who had been confined in the 2nd District Police Station, without notifying the watch commander in charge of the detention facility.

Allegation #2**Not Sustained**

Accused #3

Sergeant Dwayne Johnson, # 1505, Unit 189 (now Unit 003)

Allegations #1-#9

See Mediation Agreement

Accused #4**Police Officer Frank Bochnak, Star #19020, Unit 189****Allegation #1**

Sustained – Violation of Rule 1, “Violation of any law or ordinance,” in that, on 09 February 2010, at approximately 1430 hours, at 83rd and Cottage Grove, while on duty, Police Officer Frank Bochnak, Star #19020, Unit 189, violated the United States Constitution’s Fourth and Fourteenth Amendments which prohibited unreasonable searches and seizures when he seized [REDACTED] on the street, handcuffed him, took him to 4334 South Langley Avenue and detained him for two and a half hours.

Allegation #2

Sustained – Violation of Rule 1, “Violation of any law or ordinance,” in that, on 09 February 2010, at approximately 1430 hours, at 83rd and Cottage Grove, while on duty, Police Officer Frank Bochnak, Star #19020, Unit 189, violated the United States Constitution’s Fourth and Fourteenth Amendments which prohibited unreasonable searches and seizures when he searched [REDACTED] without justification.

Allegation #3

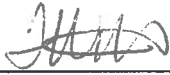
Not Sustained

Accused #5

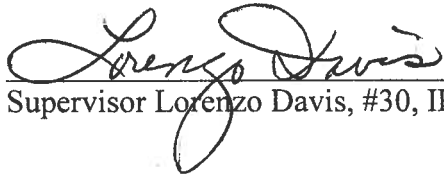
Unknown Officers

Allegations #1- #4 Not Sustained

SIGNATURES ONLY



Investigator Tiffany Williams, #125, IPRA



Supervisor Lorenzo Davis, #30, IPRA